

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA)	CRIMINAL NO. 102888
VERSUS)	
LEE BOYD MALVO a/k/a John Lee Malvo)	INDICTMENT - CAPITAL MURDER (2 Counts) and USING A FIREARM IN THE COMMISSION OF A FELONY

On July 24, 2003, Robert F. Horan, Jr., the Commonwealth's Attorney, Raymond Morrogh, the Deputy Commonwealth's Attorney, LEE BOYD MALVO a/k/a John Lee Malvo, the Defendant, and Michael Arif and Craig Cooley, co-counsel for the Defendant, appeared before this Court. The Defendant is indicted for the felonies of CAPITAL MURDER (2 Counts) and USING A FIREARM IN THE COMMISSION OF A FELONY and he appeared while in custody.

This case came before this Court today for argument on the Defendant's motions. The Court ruled as follows on each motion:

1. The Motion to Require the Commonwealth to Produce Exculpatory Evidence of Lee Malvo being "Under the Spell" of John Muhammad is **granted**. The Commonwealth shall turn over to the defendant twenty-three (23) pages of police interviews of witnesses regarding "brainwashing" or "domination" of the defendant by Muhammad and any other information of similar nature. Further, the Commonwealth shall request that the Task Force review its files and disclose to the defense anything of the same nature that is found. If in the future the Commonwealth is unsure as to whether a matter is exculpatory, it shall submit such matter to the Court for an *in camera* review.
2. The Motion to Suppress statements made by the defendant to correctional officers is taken **under advisement**.
3. The Motion to Require the Commonwealth to Provide to the Defense Exculpatory Evidence as to Defendant Lee Malvo Being Required to Receive Military Training is **denied**, as it has already been fully complied with by the Commonwealth.

4. The Motion to Seal Defense Time Sheets for Investigators, Mental Health Experts and Counsel is **denied**. The Court will review the time sheets and delete anything it thinks discloses defense strategies.

The Court **ORDERED** that the next motions hearing be set on August 27, 2003 at 2:00 p.m.
The Defendant was remanded to the custody of the Sheriff.

Entered on July 25, 2003.

/s/

JUDGE JANE MARUM ROUSH